

REMARKS

In the Office Action dated June 15, 2004, the Examiner: (1) rejected claims 1, 3, and 10 under 35 U.S.C. § 102(b); and (2) rejected claims 2, 6-7, 9, 11, and 27-34 under 35 U.S.C. § 103(a). Applicants have amended claims 1, 9, and 10. No new matter has been added. Applicants submit that claims 1-3, 6-7, 9-11, and 27-34 are in condition for allowance and respectfully request notice to this effect.

1. Response to the 35 U.S.C. § 102(b) Podgorski '691 Rejection

Claims 1, 3, and 10 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,670,691 ("Podgorski '691"). In amended claims 1 and 10, Applicants recite a system and method for restricting a getter. The getter is located in a getter well. The getter well is located in a gyroscope block at a distance away from an optical cavity also located in the gyroscope block. A hole is located in the gyroscope block between the getter well and the optical cavity. The hole has a diameter substantially less than a diameter of the getter well, which limits gas flow between the getter well and the optical cavity. By limiting the gas flow into the getter well, the getter absorbs non-inert gas at a slower rate, which may increase the operational lifetime of a gyroscope. (See, e.g., Applicants' Specification, page 8, lines 6-11.)

In contrast, Podgorski '691 discloses an area allowing gas flow between the getter well and the optical cavity having a diameter greater than the diameter of the getter well. This difference between the Podgorski '691 teachings and Applicants' claimed invention is due to the nature of the problems being addressed. Podgorski '691 describes sputtering the getter material so that atoms of the getter material are ejected in various directions leaving a uniform getter film on the cavity walls.

(See, e.g., Podgorski '691, column 3, lines 2-9.) If the area allowing gas flow between the getter well and the optical cavity has a diameter less than the diameter of the getter well, the sputtering of the getter material would be restricted, impacting the ability to form a uniform getter film on the cavity walls. Because of this negative impact to forming a uniform getter film on the cavity walls, Podgorski '691 teaches away from the area allowing gas flow having a diameter substantially less than a diameter of the getter well.

As Podgorski '691 does not show or suggest a hole located between the getter well and the optical cavity having a diameter substantially less than a diameter of the getter well, Applicants believe that Podgorski '691 does not show or suggest each and every element of claims 1 and 10. Accordingly, Applicants submit that Podgorski '691 does not anticipate claims 1 and 10.

Claim 3 depends from claim 1. Accordingly, Applicants submit that Podgorski '691 also does not anticipate claim 3 for at least the reasons as described with reference to claim 1.

In light of the amendments and remarks, Applicants respectfully request withdrawal of the 35 U.S.C. § 102(b) rejections.

2. Response to the 35 U.S.C. § 103(a) Podgorski '691 and Galbrecht

Claims 2, 6-7, 9, and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Podgorski '691 in view of U.S. Patent No. 5,056,102 ("Galbrecht"). Claims 2 and 6-7 depend from claim 1. Claim 11 depends from claim 10.

As described above, Podgorski '691 does not show or suggest a hole located between the getter well and the optical cavity having a diameter substantially less than a diameter of the getter well. The Office Action cited to Galbrecht for the teaching that a barium alloy can be used as a getter material and that a snap ring can be used in a getter assembly. (See Office Action, page 4.)

However, these teachings fail to overcome the deficiencies identified in Podgorski '691. Accordingly, Applicants submit that claims 2, 6-7, and 11 are not obvious in light of the combination of Podgorski '691 and Galbrecht for at least the reasons described above with reference to claims 1 and 10.

In amended claim 9, Applicants recite a system for restricting a getter. The system includes a getter well located at a distance away from an optical cavity. A hole is located in the gyroscope block between the getter well and the optical cavity. The hole has a diameter substantially less than a diameter of the getter well, which limits gas flow between the getter well and the optical cavity. As described above, the combination of Podgorski '691 and Galbrecht does not show or suggest a hole located between the getter well and the optical cavity having a diameter substantially less than a diameter of the getter well. Accordingly, the combination of Podgorski '691 and Galbrecht does not show or suggest each and every element of claim 9. Thus, Applicants submit that claim 9 is not obvious in light of the combination of Podgorski '691 and Galbrecht.

In light of the amendments and remarks, Applicants respectfully request withdrawal of these 35 U.S.C. § 103(a) rejections.

3. Response to the 35 U.S.C. § 103(a) Podgorski '985 and Common Knowledge Rejection

Claims 27-34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,740,985 ("Podgorski '985") in view of knowledge of one skilled in the art. In claims 27, 31, and 32, Applicants recite a system and method for restricting a getter. A diffusion barrier is located on the getter, which reduces the rate at which the getter absorbs non-inert gases.

Podgorski '985 describes a method for preventing getter materials from entering into a lasing cavity by placing an end cover between a getter well and the cavity. (See, e.g., Podgorski '985,

column 1, line 66 to column 2, line 8.) The end cover completely covers the passageway into the cavity. (See, e.g., Podgorski '985, column 2, lines 57-59.)

The Office Action stated that Podgorski '985 does not teach a diffusion barrier located on the getter. (See Office Action, page 7.) However, the Office Action, citing *In re Japiske*, concluded that it would have been obvious to one having ordinary skill in the art to have arranged the end cover on the getter since rearranging parts of an invention involves routine skill in the art. (See Office Action, pages 7-8.) However, this conclusion mischaracterizes the holding of *In re Japiske*. The *Japiske* court held that the board did not err in concluding that it would have been obvious to shift the starting switch disclosed by the reference to a different position because "the operation of the device would not thereby be modified." *In re Japiske*, 86 U.S.P.Q. 70, 73 (C.C.P.A. 1950). The Office Action fails to recognize that locating the end cover on the getter modifies the operation of end cover.

As described in Podgorski '985, the end cover completely covers the passageway into the cavity preventing getter material from entering the lasing cavity. By arranging the end cover to be located on the getter, the end cover would not completely cover the passageway as the getter is located in the getter well, and thus, the end cover would not prevent getter materials from entering into the lasing cavity. Therefore, locating the end cover on the getter would modify the operation of the end cover. Accordingly, Applicants believe that the combination of Podgorski '985 and the knowledge of one skilled in the art based on the holding of *In re Japiske* does not show or suggest locating a diffusion barrier on the getter. Accordingly, the combination of Podgorski '691 and the knowledge of one skilled in the art does not show or suggest each and every element of claims 27, 31, and 32.

The Office Action also stated that it would have been obvious to a person of ordinary skill in the art to utilize barium nitride as the diffusion layer. (See Office Action, page 8.) However, this

statement of the knowledge of one skilled in the art fails to overcome the deficiencies identified in the combination of Podgorski '985 and the knowledge of one skilled in the art based on the holding of *In re Japiske*. Because the combination of Podgorski '985 and the knowledge of one skilled in the art does not show or suggest a diffusion barrier located on the getter, Applicants submit that claims 27, 31, and 32 are not obvious in light of the combination of Podgorski '985 and the knowledge of one skilled in the art.

Claims 28-30 depend on claim 27. Claims 33-34 depend from claim 32. Accordingly, Applicants also submit that claims 28-30 and 33-34 are not obvious in light of the combination of Podgorski '985 and the knowledge of one skilled in the art for at least the reasons described above with reference to claims 27 and 32.

In light of the above remarks, Applicants respectfully request withdrawal of these 35 U.S.C. § 103(a) rejections.


CONCLUSION :

In light of the above amendments and remarks, Applicants submit that the present application is in condition for allowance and respectfully request notice to this effect. The Examiner is requested to contact Applicants' representative below if any questions arise or she may be of assistance to the Examiner.

Respectfully submitted,

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